

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PCT/DO/EO  
HAND CARRY

In re U.S. Patent Application

Attorney Docket: KOLB3001/JEK

Alexander KOLBECK

Serial Number: 09/926,517

Filed: 14 November 2001

For: METHOD AND DEVICE FOR SAVING AND RETRIEVING PIN CODES

RECEIVED

29 AUG 2002

Legal Staff  
International Division

PETITION UNDER 37 C.F.R. § 1.47(b) and 1.497(b)(2)

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The inventor **Alexander Kolbeck** refuses to execute a Declaration for this application despite efforts to obtain such execution. The Assignee of full right, title and interest in and to the application, Giesecke & Devrient GmbH of München, Germany has executed this application for and as an agent of the inventor Alexander Kolbeck. The representative of Giesecke & Devrient shown to the left of the signature line is that of Mr. Hans-Christoph von Mitschke-Collande, managing director of Giesecke & Devrient, and the signature on the right side is that of Mr. Hajo Mück, executive secretary of Giesecke & Devrient GmbH. Acceptance of the Declaration executed by the Assignee pursuant to 37 C.F.R. § 1.47(b) and 1.497(b)(2) is requested.

Acceptance of the Declaration executed by the Assignee on behalf of and as agent for the inventor is needed to preserve the rights of Assignee and to prevent irreparable damage to Assignee's rights in this application that would result otherwise.

The last known address of the inventor Alexander Kolbeck is as follows:

07/15/2002 LLANDGRA 00000000 09926517

02 12 002

130.00 EP

Alexander Kolbeck  
Merowingerstraße 12  
D-82362 Weilheim  
Germany

The Assignee, Giesecke & Devrient GmbH owns full right, title and interest in and to this application because Assignee was the employer of the inventor at the time the invention was made and the inventor had an obligation to assign such invention and application to Assignee. Also, the original PCT application number PCT/EP00/04781 of which this application is the U.S. National Stage names Giesecke & Devrient GmbH as Applicant, further evidencing ownership of all rights in this application by Assignee. A copy of the REQUEST page of the international application number PCT/EP00/04781 is appended hereto as Exhibit A.

Assignee, Giesecke & Devrient, attempted to obtain the signature of Mr. Kolbeck originally on December 18, 2001 via a registered mail letter, return certificate requested, and received confirmation that Mr. Kolbeck indeed received this letter on December 19, 2001. A translated copy of this letter and the receipt for same can be provided in support of this petition.

Subsequently, recent reminders were transmitted by Mr. Kolbeck by Giesecke & Devrient on January 24, February 26, March 8 and April 2, 2002.

On April 25, 2002, a reminder was again sent to Mr. Kolbeck by Giesecke & Devrient via registered mail with return receipt. This receipt was signed by Mr. Kolbeck and a copy of this letter and the certificate can be provided.

A representative of Giesecke & Devrient, Mr. Branzka attempted to telephone Mr. Kolbeck on June 28, 2002, but only reached the automatic voice mail device of Mr. Kolbeck. A statement of Mr. Branzka to this effect may be furnished if necessary.

On July 2, 2002, Mr. Branzka spoke with Mrs. Kolbeck by telephone and Mr. Kolbeck, the inventor, telephoned Mr. Branzka back on the same day, at which time he promised to send the signed documents. A statement from Mr. Branzka to this effect can be furnished.

On July 5, 2002, Ms. Teichmann, secretary of Mr. Harms of the Patent and Licensing Department of Giesecke & Devrient contacted Mrs. Kolbeck by telephone, reminding her that the documents had not yet been received. A statement from Mr.

Harms to this effect can be furnished.

Under the circumstances, Giesecke & Devrient reasonably believed that Mr. Kolbeck did not intend to sign and return the Declaration for the present application and was aware that the non-extendable deadline for submitting a signed Declaration was July 12, 2002. Accordingly, Giesecke & Devrient as assignee determined that it would be necessary to execute the Declaration for this application pursuant to 37 C.F.R. § 1.47(b) to prevent irreparable damage that would arise if this application became abandoned.

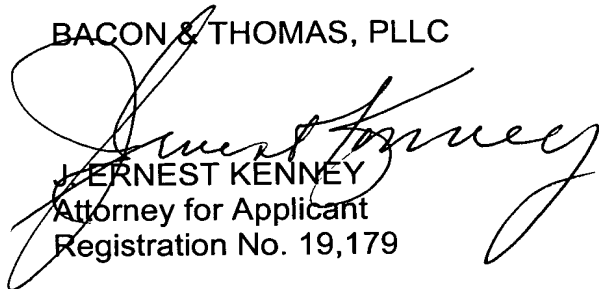
The statements in the Declaration executed by Assignee are made upon information and belief and are believed by Assignee to be true.

The Power of Attorney included with the Declaration is intended to be executed by Assignee Giesecke & Devrient GmbH.

The fee required under rule 1.17(h) accompanies this Petition. Please charge any fee that may be required or refund any overpayment to Deposit Account No. 02-0200.

It is respectfully submitted that the application now meets all requirements for entry in the U.S. national phase and acknowledgment of same is respectfully requested.

Respectfully submitted,  
BACON & THOMAS, PLLC

  
J. ERNEST KENNEY  
Attorney for Applicant  
Registration No. 19,179

Date: July 12, 2002



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